



**Department of the Environment and
Department of Transport**

Common Services

Room 14/17 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 927

Switchboard 0272-218811

GTN 2074

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DEC 1986

File

20 4/12

Mr J G Lewis
117 Chambersbury Lane
HEMEL HEMPSTEAD
Hertfordshire
HP3 8BE

Your reference

C.P.O.	D.P.	D.C.	S.C.	Adm.	Our reference
					T/APP/A1910/A/86/53456/P4
					Date

Received

4 DEC 1986

13 DEC 86

Comments

COPY GIVEN TO JOANNE
+ D. WASS.

~~11/11/86~~
~~2/12/86~~
3/12/86
L/TEAM 1

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR AND MRS SCOTT
APPLICATION NO:- 4/0429/86

1. As you know I have been appointed by the Secretary of State for the Environment to determine your clients' appeal. This appeal is against the decision of Dacorum Borough Council to refuse planning permission for the erection of a 2 storey rear extension at 12 Glenview Road, Hemel Hempstead. I have considered the written representations made by you, by the council and those by and on behalf of interested persons. I inspected the site on 6 November 1986.
2. Representations made on behalf of your clients' neighbour at No 10 Glenview Road argue, amongst other matters, that the extension as proposed would lead to encroachment under and over his land, both permanently and during the works. On the face of it, these points are confirmed by the submitted drawing. I have, however, considered the proposal on its merits; nothing which I write in this letter can confer any rights on the part of your clients to occupy neighbouring land other than by agreement.
3. In addition to the rear extension, the drawing shows an alteration to the roof over a bay on the front of the house. Subject to the caveat in the previous paragraph, there can be no objection to this element of the works, and the council confirm that they have none. With regard to the major element of the scheme, the back extension, from consideration of the representations and from my inspection, I consider that the principal issues are whether or not other residents would suffer loss of sunlight or outlook going beyond what might reasonably be expected from a nearby house extension.
4. The site and length of Glenview Road faced by No 12 contains 3 terraces each of four 2 storey houses under hip ended pitched roofs, and one pair of semi detached 2 storey houses also under a hip ended pitched roof. These dwellings face somewhat south of south-east. No 12 is the south-westernmost house in one of the terraces; the houses to its north-east are respectively Nos 10, 8 and 6.
5. The appeal scheme follows a previous refusal of planning permission for a 2 storey rear extension to No 12. The present scheme is of lesser bulk. It would extend the full width of the house, some 4.6 m, by a depth on the ground floor of some 4.6 m and a depth on the upper floor of some 2.3 m. The upper floor would be under a hipped pitched roof, the exposed part of the ground floor would be under a flat topped roof. There are now steps at the back of the house down to the appreciably lower garden level. The extension would have floor levels some 1.0 m lower than those in the main house. Steps would lead down inside on the ground

floor, while on the upper floor the extension would link via a half landing on new stairs proposed as part of associated alterations.

6. The council argue that the scheme would prevent late afternoon and early evening sunlight from reaching the rear of both Nos 10 and 8, and that the combined effect of the appeal scheme together with a permitted but as yet unbuilt 2 storey rear extension to No 8 would be to create an overbearing and unneighbourly form of development for occupants of No 10.

7. No 8 Glenview Road is one house removed from No 12. Because of this and the appeal extension's reduced level relative to the existing houses, I consider that any impact on occupants at No 8 would be slight - negligible were the permitted extension at this other house to be built.

8. The extension at No 12 would undoubtedly curtail direct sunlight to the rear of No 10 during the summer late in the day. Additionally, although the direct outlook from the rear of this neighbouring house would be unaffected, the side of the extension would be apparent, curtailing an oblique outlook. Accordingly I can understand the objections raised by your clients' neighbour. However, planning control is directed to protecting public rather than private interests. That does not mean that issues concerning the extension's impact on occupants of the neighbouring house could not in principle warrant a refusal of planning permission, because the maintenance of residential amenity is a matter of public as well as private interest. But it does mean that I must consider not just whether the scheme would have any impacts - clearly it would - but whether those impacts would go beyond what might reasonably be expected, in a built up area, from a nearby development. After very careful thought, I have narrowly concluded that considered on its own merits the features of the design now proposed - the reduced floor levels, relatively shallow upper floor extension and a hip rather than gable roof - together sufficiently reduce the impacts on present and future occupants of No 10 to levels where there is no clear cut objection sufficient to warrant a refusal of planning permission.

9. I do not consider that the appeal scheme should be judged in the light of a hypothetical proposal to extend No 10 at some time in the future; and the combined effect of the appeal extension and that permitted at No 8 would together hem in the rear of this house as it stands. However, I consider that the greater impact in this regard would result not from the extension now proposed but from that already permitted. I can understand the reasons for your clients' wish to extend their home. The house is a small one and has shortcomings in terms of current standards. I have not based my decision on these factors, but they do I believe reinforce the need for the scheme to be disallowed only if it would cause clear cut harm, which I have concluded is not the case. Because the levels in the design are important to my finely balanced decision, I shall impose a condition concerning them. I have taken all the other matters raised into account but found them insufficient to cause me to alter my decision.

10. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a 2 storey rear extension at 12 Glenview Road, Hemel Hempstead in accordance with the terms of the application (No 4/0429/86) dated 26 March 1986 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun not later than 5 years from the date of this letter;
2. except with the prior written agreement of the local planning authority, the extension hereby permitted shall not be built at levels relative to the main house other than those shown on drawing 27/86/2 REV.

11. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Sir
Your obedient Servant



A J LANGTON CEng MICE MIHT
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

AJP

DACORUM BOROUGH COUNCIL

To Mr and Mrs Scott
12 Glenview Road
Hemel Hempstead
Hertfordshire

Mr J G Lewis
117 Chambersbury Lane
Hemel Hempstead
Hertfordshire

..... Two storey rear extension, alterations to roof of
..... front bay
.....
at 12 Glenview Road, Hemel Hempstead
.....
.....

Brief
description
and location
of proposed
development.

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated
..... 26th March 1986 and received with sufficient particulars on
..... 27th March 1986 and shown on the plan(s) accompanying such
application..

The reasons for the Council's decision to refuse permission for the development are:—

The proposed extension would by reason of its mass, rearward projection and proximity to adjoining properties, result in an unacceptable loss of daylight and general amenity to adjoining properties.

Dated 25th day of June 19 86 ..

Signed.....

Chief Planning Officer

SEE NOTES OVERLEAF

P/D.15

NOTE

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form obtainable from the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.
2. If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Borough Council in which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in s.169 of the Town and Country Planning Act 1971.